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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,173	10/31/2003	Vivek Jain	JP920030155US1	1599

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EXAMINER

AHMED, AFFAF

ART UNIT	PAPER NUMBER
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3622

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/699,173	Applicant(s) JAIN ET AL.	
	Examiner AFAF AHMED	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43-84 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43-84 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/31/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is in reply to the application filed on 10/31/2003.
2. Claims 1-42 have been canceled.
3. Claims 43-84 are currently pending and have been examined.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 43, 44, 56, 58, 62, 68, 69, 70, 78, 82 and 84 are rejected under 35 U.S.C. 102(e) as being anticipated by Sundareasan US Pat No: 7,219,072 B1.

As per **claims 43, 58, 68, 69, 78 and 84**, Sundareasan teaches:

- *a computerized shopping system* (see at least column 1, lines 46-67 and column3, lines 34-51);
- *collecting data regarding choices of individual shoppers when shopping individually;*
- *collecting data regarding the choices of individual shoppers when participating in group shopping;*
- *sending said targeted information to one or more targeted shoppers;*

See at least column 2, lines 1-15;

- *determining an individual shopping behavior measure from the individual shopper data ;*
 - *determining a group shopping behavior measure from the group shopping data;*
- See at least column 2, lines 16-27 and column 5, lines 1-8;
- *determining a shopper-group interaction measure from individual shopper data and group shopper data;*

- *determining targeted information on a basis of said shopper-group interaction measure;*

See at least column 2, lines 55-67, column 3, lines 18-30 and column 5, lines 18-27.

As per **claims 44, 56, 62, 70 and 82**, Sundersan teaches:

- *wherein said shopper-group interaction measure is determined based on leadership index that is determined from records of shopper recommendations of said number of times other shoppers have followed such a recommendation (see at least column 3, lines 18-23 and column 4, lines 52-67).*

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 45-48, 50-51, 70-74 and 76-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sundareasan US Pat No: 7,219,072 B1 in view of Bieganski et al US Pat No: 6,334,127B1.

Claims 45-48, 50-51, 70-74 and 76-77:

Sundareasan discloses the limitations as shown above.

Sundareasan does not disclose:

- *wherein said shopper affinity index is determined from a number of times a shopper has voted with other members of a group of shoppers.*
- *wherein said shopper affinity index is determined from a number of times a shopper's proposal has been voted for by other members of a group of shoppers.*
- *wherein said shopper affinity index is determined from a number of times a shopper has been invited by, or issued an invitation to other members of a group of shoppers.*
- *wherein said shopper affinity index is determined from a number of shopping groups that a shopper is a commonly member of with other shoppers.*
- *wherein said conformity index is determined from a voting record of said shopper regarding purchase proposals with reference to agreeing with a majority or lead shopper's vote within a group of shoppers.*

- *wherein said assertiveness index is determined from a voting record of said shopper regarding purchase proposal with reference to disagreeing with a majority of lead shopper's vote within a group of shoppers.*

However, Examiner notes applicant states that shopper-group interaction measure is determined based on any of a shopper affinity index, a leadership index, a conformity index, and an assertiveness index. it has been held that Language that suggest or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation (MPEP §2106 II C). Furthermore, for the prosecution of this application Bieganski in at least column 6, lines 37-55 discloses that there are many different methods to form affinity groups. Therefore, it would have been obvious to one of ordinary skill in the art to combine Sundareasan's system and method of co-browsing in electronic commerce with Bieganski's online shopping system and method of recommending set of items from user preference and community preference with the motivation of offering attractive shopping environment that introduce elements of more conventional and personalized shop experience.

8. Claims 52-55, 57, 59-63, 67, 79-81 and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sundersan US Pat No: 7,219,072 B1 in view of Kolls US Pat No: 6,604,085B1.

Claims 52-55, 57, 59-63, 67, 79-81 and 83:

Sundareasan discloses the limitations as shown above.

Sundareasan does not disclose, however, Kolls does disclose:

- *wherein a shopper parameter specified by said merchant's rule to target information to a group or to individual shoppers for a particular promotion of goods or services (see at least column 32, lines 24-58).*

It would have been obvious to one of ordinary skill in the art to combine Sundareasan's system and method of co-browsing in electronic commerce with Kolls's system and method of universally controlling, distributing and displaying interactive advertising in electronic commerce with the motivation of targeting consumers and presenting them with effective advertisement to help them making an inform decisions in which products and/ or services to purchase.

9. Claims 64-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sundersan US Pat No: 7,219,072 B1 in view of Kolls US Pat No: 6,604,085B1 in view of Eldering US Pat No: 6,298,348.

Claims 64 and 66:

Sundareasan discloses the limitations as shown above.

The combination of Sundareasan/Kholls does not disclose, however, Eldering does disclose

- wherein said group shopping measure is determined by a group of youthfulness;
- wherein individual shopping behavior measure comprises information on demographics, income, purchase history, and preferences (see at least column 2, lines 32-47 and column 6, lines 55-59).

It would have been obvious to one of ordinary skill in the art to combine Sundareasan's system and method of co-browsing in electronic commerce with Kolls's system and method of universally controlling, distributing and displaying interactive advertising in electronic commerce with Eldering's online consumer profiling system with the motivation of determining the applicability of advertisements to consumers.

Claim 65:

Sundareasan discloses the limitations as shown above.

The combination of Sundareasan/Kholls does not disclose::

- *wherein said group compatibility and agreement index is calculated based on a time series of group shopping history and said individual shopping behavior measure to give an indication of either assimilation leading to targeting information to a group, or lack of assimilation leading to targeting information to individual shoppers;*

However, Examiner note that applicant states that *wherein said group shopping measure is determined by any of: a group compatibility and agreement index, a maturity index, a group youthfulness index, and a group harmony index*. It has been held that Language that suggest or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation (MPEP §2106 II C).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - Marks US Pat No: 6,876,977, teaches shared shopping basket management system.
 - Balter et al, US Pat No: 6,901,379, teaches Online shopping with virtual modeling and peer review.

- Bauer et al, US Pub No: 2002/0083134 A1, teaches Method and system of collaborative Browsing.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Affaf Ahmed whose telephone number is 571-270-1835. The examiner can normally be reached on Monday - Friday, 8:30 am-6:00 pm est, alt Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached at 571-272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.
AA

/Yehdega Retta/
Primary Examiner, Art Unit 3622